

PATENTDocket No.: 33677-00000**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Gary E. Borodic, M.D.
Serial No. : 09/382,837 **Group Art Unit** : 1644
Filed : August 25, 1999 **Examiner** : G.R. Ewoldt, Ph.D.
For : *Chemodenervating Pharmaceutical As Anti-Inflammatory Agent*

RESPONSE TO RESTRICTION REQUIREMENT

BY FACSIMILE
(703) 308-4315
ATTN: G.R. Ewoldt, Ph.D.

Sir:

In response to Examiner's Restriction Requirement mailed January 26, 2001, Applicant provisionally elects to pursue prosecution of Invention I. This election is made with traverse. Applicant respectfully submits that, properly understood, groups I, II, III, IV and VI of the restricted claims are properly presented in the same application because the claims are technically related and so undue diverse searching should not be required. Thus, the claims in these groups should be examined together. M.P.E.P. §803.


In particular, the specification of the application makes it clear that allergic blepharoconjunctivitis, type I hypersensitivity, hay fever, and rhinitis, are all disorders for which treatment with a chemodenervating agent induces a reduction in inflammation. For example, on page twenty of the specification (with numbering starting on the page headed "FIELD OF INVENTION"), Applicant discloses under "General Test Results", that in patients treated with a chemodenervating pharmaceutical who exhibit "exertion urticaria, spasmodic torticollis, type I hypersensitivity, pollen induced conjunctivitis, and allergic blepharoconjunctivitis", Applicant has observed "improvement in erythema", "improvement in sensation, pain and/or itching", "improvement in edema", "differential in apparent heat release", and "relaxation of human

submitted that the restriction requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

An extension of time for one month is believed necessary for this response, and is hereby petitioned for. However, any further extension of time which may be required for this response is also hereby petitioned for. The Commissioner is authorized to charge the \$110 fee believed necessary, and any additional fee which may be required for this paper, to Deposit Account Number 13-3250, Order No. 33677-00000.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP


Michael N. Nitabach, Ph.D.
Reg. No.: 47,344

March 26, 2001

Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

(212) 530-5000 / (212) 530-5219 (facsimile)
NY2:#4406444

PATENT

Docket No.: 33677-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Gary E. Borodic, M.D.

Serial No. : 09/382,837 **Group Art Unit** : 1644

Filed : August 25, 1999 **Examiner** : G.R. Ewoldt, Ph.D.

For : *Chemodenervating Pharmaceutical As Anti-Inflammatory Agent*

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.8)

Facsimile Number : (703) 308-4315
Attn: G.R. Ewoldt, Ph.D.

COMMISSIONER OF PATENTS
Washington, D.C. 20231

Sir:

I hereby certify that the attached:

RESPONSE TO RESTRICTION REQUIREMENT

along with any paper(s) referred to as being attached or enclosed and this Certificate of Transmission are being transmitted to the number indicated above on the date shown below.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP



Michael N. Nitabach, Ph.D.
Reg. No. 47,344

March 26, 2001

Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

(212) 530-5000 / (212) 530-5219 (facsimile)
NY2:4406422